



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

April 09, 2013

VIA U.S.MAIL

Mr. Michael Morisy
MuckRock News
DEPT MR 3370
PO Box 55819
Boston, MA 02205-5819

RE: ***Freedom of Information Act (FOIA) Request No. F-13-00115***

Dear Mr. Morisy:

The United States Patent and Trademark Office (USPTO) FOIA Office has received your e-mail dated March 12, 2013 requesting, under the provisions of the Freedom of Information Act, 5 U.S.C. § 552, a copy of:

Contracts between Booz Allen Hamilton and the USPTO over the past 5 years. Any final reports generated and delivered by Booz Allen Hamilton to the USPTO over past 5 years.

The USPTO has identified 18 pages of documents that are responsive to your request and are releasable. Some pages of the released material however were partially redacted pursuant to Exemption (b)(4) of the FOIA, specifically, certain pricing information and key personnel. The responsive material is enclosed.

Exemption (b)(4) allows the withholding of certain information if it constitutes “trade secrets and commercial or financial information obtained from a person, and is privileged or confidential.” 5 U.S.C. § 552(b)(4). Information is “confidential” for purposes of Exemption (b)(4) if its release would cause “substantial harm” to the competitive position of the person or company that supplied it. Here, the release of this information would cause substantial competitive harm to the submitter, because it would permit underbidding by competitors on this or other contracts and reveal internal strategies and cause competitors to adopt the same or a similar approach in order to meet bidding and proposal requirements. Also, releasing the identity of key personnel associated with this contract would cause substantial competitive harm to the submitter because competitors could attempt to hire employees away from the submitter. Accordingly, this information is being withheld pursuant to Exemption (b)(4).

The processing fee for this request has been waived. See 37 C.F.R. § 102.11(d)(4). The withholding under Exemption (b)(4) constitutes a partial denial of your request for records under the FOIA. The undersigned is the denying official. You have the right to appeal this

initial decision to the General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. An appeal must be received within 30 calendar days from the date of this letter. See 37 C.F.R. § 102.10(a). The appeal must be in writing. You must include a copy of your original request, this letter, and a statement of the reasons why the information should be made available and why this initial denial is in error. Both the letter and the envelope must be clearly marked "Freedom of Information Appeal."

Sincerely,

Kathryn Siehndel

Kathryn Siehndel
USPTO FOIA Officer
Office of General Law

Enclosure